AMENDMENT NO._______  Calendar No._______

Purpose: To improve the bill.


S. 2802

To amend the Marine Mammal Protection Act of 1972 to reauthorize and modify the John H. Prescott Marine Mammal Rescue and Response Grant Program, and for other purposes.

Referred to the Committee on _______ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. WICKER

Viz:

1  Strike section 2 and insert the following:

2  SEC. 2. DATA COLLECTION AND DISSEMINATION.

3  Section 402 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421a) is amended—

4  (1) in subsection (b)—

5  (A) in paragraph (1)(A), by inserting “or entangled” after “stranded”;

6  (B) in paragraph (3)—

7  (i) by striking “strandings,” and inserting “strandings and entanglements, including unusual mortality events,”;
(ii) by inserting "stranding" before "region"; and

(iii) by striking "marine mammals; and" and inserting "marine mammals and entangled marine mammals to allow comparison of the causes of illness and deaths in stranded marine mammals and entangled marine mammals with physical, chemical, and biological environmental parameters; and"; and

(2) by striking subsection (c) and inserting the following:

"(c) INFORMATION REQUIRED TO BE SUBMITTED AND COLLECTED.—

"(1) In general.—After each response to a stranding or entanglement event, the Secretary shall collect (including from any staff of the National Oceanic and Atmospheric Administration that respond directly to such an event), and shall require
each stranding network participant who responds to
that stranding or entanglement to submit to the Ad-
ministrator of the National Oceanic and Atmos-
pheric Administration—

"(A) NOAA Form 89–864 (OMB #0648–
0178) and NOAA Form 89–878 (OMB #0648–
0178), or similar successor forms;

"(B) supplemental data to the data de-
scribed in subparagraph (A), which may in-
clude, as available, relevant information
about—

"(i) weather and tide conditions;

"(ii) offshore human, predator, or
prey activity;

"(iii) morphometrics;

"(iv) behavior;

"(v) health assessments;

"(vi) life history samples; or

"(vii) stomach and intestinal contents;

and

"(C) data and results from laboratory
analysis of tissues, which may include, as ap-
propriate and available—

"(i) histopathology;

"(ii) toxicology;
“(iii) microbiology
“(iv) virology; or
“(v) parasitology.

“(2) TIMELINE.—A stranding network participant shall submit—

“(A) the data described in paragraph (1)(A) not later than 30 days after the date of a response to a stranding or entanglement event;

“(B) the compiled data described in paragraph (1)(B) not later than 30 days after the date on which the data is available to the stranding network participant; and

“(C) the compiled data described in paragraph (1)(C) not later than 30 days after the date on which the laboratory analysis has been reported to the stranding network participant.

“(d) AVAILABILITY OF DATA.—

“(1) IN GENERAL.—The Secretary shall develop a program to make information, including any data and metadata collected under paragraphs (3) or (4) of subsection (b) or subsection (c), available to researchers, stranding network participants, and the public—
“(A) to improve real-time coordination of response to stranding and entanglement events across geographic areas and between stranding coordinators;

“(B) to identify and quickly disseminate information on potential public health risks;

“(C) to facilitate integrated interdisciplinary research;

“(D) to facilitate peer-reviewed publications;

“(E) to archive regional data into 1 national database for future analyses; and

“(F) for education and outreach activities.

“(2) ACCESS TO DATA.—The Secretary shall ensure that any data or metadata collected under subsection (e)—

“(A) by staff of the National Oceanic and Atmospheric Administration that responded directly to a stranding or entanglement event is available to the public through the Health MAP and the Observation System not later than 30 days after that data or metadata is collected by, available to, or reported to the Secretary; and

“(B) by a stranding network participant that responded directly to a stranding or entan-
glement event is made available to the public through the Health MAP and the Observation System 2 years after the date on which that data is submitted to the Secretary under subsection (e).

"(3) EXCEPTIONS.—

"(A) WRITTEN RELEASE.—Notwithstanding paragraph (2)(B), the Secretary may make data described in paragraph (2)(B) publicly available earlier than 2 years after the date on which that data is submitted to the Secretary under subsection (c), if the stranding network participant has completed a written release stating that such data may be made publicly available.

"(B) LAW ENFORCEMENT.—Notwithstanding paragraph (2), the Secretary may withhold data for a longer period than the period of time described in paragraph (2) in the event of a law enforcement action or legal action that may be related to that data.

"(c) STANDARDS.—The Secretary, in consultation with the marine mammal stranding community, shall—

"(1) make publicly available guidance about uniform data and metadata standards to ensure that
data collected in accordance with this section can be archived in a form that is readily accessible and understandable to the public through the Health MAP and the Observation System; and

“(2) periodically update such guidance.

“(f) MANAGEMENT POLICY.—In collaboration with the regional stranding networks, the Secretary shall develop, and periodically update, a data management and public outreach collaboration policy for stranding or entanglement events.”.

On page 5, strike lines 8 through 14, and insert the following:

(a) In general.—Section 403 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421b) is amended—

(1) in the section heading by inserting “OR ENTANGLEMENT” before “RESPONSE”;

(2) in subsection (a), by striking the period at the end and inserting “or entanglement.”; and

(3) in subsection (b)—

(A) in paragraph (1), by striking “and” after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting “; and”; and
(C) by adding at the end the following:

“(3) include a description of the data management and public outreach policy established under section 402(f).”.

On page 11, between lines 13 and 14, insert the following:

“(i) equitable distribution within the stranding regions, including the sub regions (including, but not limited to, the Gulf of Mexico);”.

On page 12, between lines 3 and 4, insert the following:

“(C) STRANDINGS.—For the purposes of this program, priority is to be given to applications focusing on marine mammal strandings.”.

On page 13, strike lines 6 through 9.

On page 24, line 1, strike “5 years” and insert “10 years”.

On page 24, strike lines 5 through 7 and insert the following: “Secretary of Commerce shall—
“(A) make publicly available a report on
the data gap analysis described in paragraph
(2); and
“(B) provide a briefing to the appropriate
committees of Congress concerning that data
gap analysis.”.

On page 25, beginning on line 3, strike “shall sub-
mit” and all that follows through line 6 and insert the
following: “shall—
“(A) make publicly available a report de-
scribing the response capabilities for sick and
injured marine mammals in the Arctic regions
of the United States; and
“(B) provide a briefing to the appropriate
committees of Congress on that report.”.

Beginning on page 28, strike line 25 and all that fol-
lows through line 2 on page 29, and insert the following:
“the date of enactment of this Act, the Undersecretary
of Commerce for Oceans and Atmosphere shall, in con-
sultation with the Secretary of the Interior and the Marine
Mammal Commission, conduct a”.

On page 29, line 7, strike “The” and all that follows
through “described” on line 10, and insert the following:
“The Undersecretary of Commerce for Oceans and Atmosphere, in consultation with the Secretary of the Interior and the Marine Mammal Commission, shall prepare, post to a publically available website, and brief the appropriate committees of Congress on, a report containing the results of the study described”.